



DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[DOCKET#: RBS-22-BUSINESS-0014]

Notice of Solicitation of Applications for Inviting Applications for the Intermediary Relending Program for Fiscal Year 2023

AGENCY: Rural Business-Cooperative Service, USDA Rural Development.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (Agency), an agency of the United States Department of Agriculture (USDA) invites applications under the Intermediary Relending Program (IRP) for fiscal year (FY) 2023, subject to availability of funding. This Notice is being issued prior to passage of a FY 2023 Appropriations Act in order to allow applicants enough time to leverage financing, prepare and submit their applications, and give the Agency time to process program applications within FY 2023. Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available through appropriations. An announcement on the Website at <https://www.rd.usda.gov/newsroom/federal-funding-opportunities> will identify the amount received in the appropriations. The Agency advises that all interested parties bear the financial burden of preparing and submitting an application in response to the notice whether or not funding is appropriated for this Program in FY 2023.

DATES: The deadlines for completed applications to be received in the USDA Rural Development (RD) State Office for quarterly funding competitions is no later than 4:30 p.m. (local time) on: First Quarter-September 30, 2022, Second Quarter-December 31, 2022, Third Quarter- March 31, 2023, and Fourth Quarter- June 30, 2023.

ADDRESSES: Applications must be submitted to the USDA RD State Office for the

state where the applicant is located. Applications may be submitted in paper or electronic format to the appropriate RD State Office and must be received by 4:30 p.m. local time on the deadline date(s) to compete for available funds in the fiscal quarter. Applicants are encouraged to contact their respective RD State Office for an email contact to submit an electronic application prior to the submission deadline date(s). A list of the USDA RD State Office contacts can be found at: <https://www.rd.usda.gov/about-rd/state-offices>.

FOR FURTHER INFORMATION CONTACT: Lori Pittman, Program Management Division, Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, MS 3226, Room 5160-S, Washington, D.C. 20250-3226, lori.pittman1@usda.gov or call (202) 720-9815. For further information on this notice, please contact the USDA RD State Office in the State in which the applicant's headquarters is located. A list of RD State Office contacts is provided at the following link: <https://www.rd.usda.gov/about-rd/state-offices>.

SUPPLEMENTARY INFORMATION

Overview

Federal Awarding Agency Name: Rural Business-Cooperative Service

Funding Opportunity Title: Intermediary Relending Program.

Announcement Type: Solicitation of Applications for FY 2023 loan funds.

Assistance Listing Number: 10.767.

Dates: The deadlines for completed applications to be received in the USDA RD State Office for quarterly funding competitions is no later than 4:30 p.m. (local time) on: First Quarter-September 30, 2022, Second Quarter- December 31, 2022, Third Quarter-March 31, 2023, and Fourth Quarter- June 30, 2023.

Administrative:

1. *Rural Development Priorities:* The Agency encourages applicants to consider projects that will advance the following key priorities (more details available at <https://www.rd.usda.gov/priority-points>):

- (a) Assisting rural communities recover economically through more and better market opportunities and through improved infrastructure;
- (b) Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects; and
- (c) Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

2. *Set-Aside Funding:*

The Consolidated Appropriations Act, 2021 authorized set-aside funding to projects and intermediaries serving Federally-Recognized Tribes, and for Mississippi Delta Region Counties (as determined in accordance with Public Law 100-460). Eligible applicants for the set-aside funds, assuming that similar set-aside funds are appropriated for Fiscal Year 2023, must demonstrate that at least 75 percent of the benefits of an approved loan in this program will assist ultimate recipients in the designated areas. Applications for set-aside funds must be submitted to the RD State Office where the project is located by 4:30 p.m. (local time) on the following deadline dates. The completed application deadline for the Federally Recognized Tribes and Mississippi Delta Region Counties projects is May 31, 2023. It is possible that funds may also be appropriated by Congress for projects located in Rural Empowerment Zone/Enterprise Communities/Rural Economic Area Partnership areas. Completed applications for these projects, subject to available funding, must be submitted by July 15, 2023.

A. Program Description

1. *Purpose of the Program.* The purpose of the program is to provide direct loans to intermediaries that establish revolving loan programs for the purpose of providing

loans to ultimate recipients for business purposes and community development in a rural area as defined in 7 CFR 4274.302. All applicable program requirements in their entirety can be found at 7 CFR part 4274, subpart D.

2. *Statutory and Regulatory Authority.* This program is authorized under Section 310H of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936b) and is administered through regulations at 7 CFR part 4274, subpart D.

3. *Definitions.* The definitions applicable to this notice are published at 7 CFR 4274.302.

4. *Application of Awards.* The Agency will review, evaluate and score applications received in response to this notice based on the provisions found in 7 CFR 4274.341.

B. Federal Award Information

Type of Award: Loan

Fiscal Year Funds: FY 2023

Available Funds: Funding for the IRP program in FY 2023 will be determined in an Appropriations Act for FY 2023.

Award Amounts: The Agency anticipates a maximum award of \$1 Million for eligible Intermediaries submitting a loan request.

Due Date for Applications: The deadlines for completed applications to be received in the USDA RD State Office for quarterly funding competitions is no later than 4:30 p.m. (local time) on: First Quarter-September 30, 2022, Second Quarter- December 31, 2022, Third Quarter- March 31, 2023, and Fourth Quarter- June 30, 2023.

Anticipated Award Dates –

1. *Regular Funding:* First Quarter-December 1, 2022, Second Quarter- March 1, 2023, Third Quarter- June 1, 2023, Fourth Quarter- September 1, 2023.

2. *Federally Recognized Tribes and Mississippi Delta Region Counties Funding:*

June 15, 2023.

3. *Empowerment Zones/Enterprise Communities/Rural Economic Area*

Partnership Funding: August 1, 2023.

Performance Period: None.

Renewal or Supplemental Awards: None.

Type of Assistance Instrument: Direct Loan

C. Eligibility Information

1. *Eligible Applicants.* IRP loans may be made to a private non-profit corporation, a public agency, an Indian Tribe, or a cooperative entity, identified as eligible intermediary in accordance with 7 CFR 4274.310.

2. *Cost Share or Matching.* The IRP revolving fund share of the eligible project cost of an ultimate recipient's project funded under this Notice shall not exceed the lesser of (a) \$400,000; and (b) Fifty percent of the originally-approved Agency IRP loan amount to an intermediary. No more than 75 percent of the total cost of an ultimate recipient's project can be funded from Agency IRP loan funds. Points awarded for leveraging will be considered in accordance with the requirements specified in 7 CFR 4274.341(b)(4).

3. *Discretionary Points.* The Administrator may assign up to 10 discretionary points to an application when under their approval authority. Permissible justifications in accordance with 7 CFR 4274.341(b)(10) are geographic distribution of funds or special President/Secretary of Agriculture initiatives such as local foods, regional development, persistent poverty, energy-related, etc. The number of points to be awarded will be awarded for either or both items. Secretary of Agriculture initiatives include:

(a) Assisting rural communities recover economically through more and better market opportunities and through improved infrastructure. Applicant may receive priority points if the project is located in or serving one of the top 10 percent of counties or

county equivalents based upon county risk score in the United States. The website, <https://www.rd.usda.gov/priority-points>, has the data to confirm if your location qualifies or not.

(b) Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects. Applicant may receive priority points if the project is located in or serving a community with a score of 0.75 or above on the Centers for Disease Control and Prevention Social Vulnerability Index. The website, <https://www.rd.usda.gov/priority-points>, has the data to confirm if your location qualifies or not.

(c) Reduce climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities. Applicants may receive points through one of two options. The website, <https://www.rd.usda.gov/priority-points>, has the options and data to confirm if your location qualifies or not.

4. *Other.* Applications will only be accepted from eligible intermediaries that will establish, or have established, revolving loan programs for the purpose of providing loans to ultimate recipients for business purposes and community developments in a rural area.

There are no “responsiveness” or “threshold” eligibility criteria for these loans. However, not more than one loan will be approved by the Agency for an intermediary in any single fiscal year unless the additional request is from this program’s set-aside funding.

Applications will not be considered for funding if they do not provide enough information to determine eligibility, are not suitable for evaluation, or are missing required elements as stated in 7 CFR 4274.340.

D. Application and Submission Information

1. *Address to Request Application Package.* For further information, entities

wishing to apply for assistance should contact the USDA RD State Office where they are located, provided in the ADDRESSES section of this notice, to obtain copies of the application package. Applicants are also encouraged to contact their respective RD State office for an email contact to submit an electronic application prior to the submission deadline date(s). Please note that applicants may locate the downloadable application package for this program by the Assistance Listing Number provided in the Overview Section above.

2. Content and Form of Application Submission. An application must contain all the required elements and each selection priority criterion outlined in 7 CFR 4274.340 must be addressed in the application. An original copy of the application must be filed with a RD State Office for the state where the Intermediary is located.

The applicant documentation and forms needed for a complete application are located in 7 CFR 4274.340. There are no specific formats or limitations on the number of pages required for an application narrative, and applicants may request any Agency forms and addresses from the **ADDRESSES** section of this notice. Any form that requires an original signature, but is signed electronically in the application submission, must be signed in ink by the authorized person prior to the disbursement of funds.

3. System for Award Management and Unique Entity Identifier. At the time of application, each applicant must have an active registration in the System for Award (SAM) before submitting its application in accordance with 2 CFR part 25. In order to register in SAM, entities will be required to create a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at <https://sam.gov/content/entity-registration>.

(a) Applicant must maintain an active SAM registration, with current, accurate and complete information, at all times during which it has an active Federal award or an application under consideration by a Federal awarding agency.

(b) Applicant must ensure it completes the Financial Assistance General Certifications and Representations in SAM.

(c) Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.110.

(d) The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. *Submission Dates and Times.* Applications, including applications for set aside funding, must be received by the specified USDA RD State Office by the dates and times as indicated above to compete for available funds in a fiscal quarter. If the due date falls on a Saturday, Sunday or federal holiday, the application is due the next business day. The Agency will determine the application receipt date based on the actual date an application is received electronically, in person, or when a paper application is postmarked.

5. *Intergovernmental Review.* Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," applies to this program. This EO requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many states have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House Web site: <https://www.whitehouse.gov/omb/management/office-federal-financial-management/>. If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your state has not established a SPOC, you may submit your application directly to the Agency. Indian Tribes are

exempt from this requirement.

6. *Funding Restrictions.* The intent of the Intermediary Relending Program is identified above in Section A. 1 above. There are no funding restrictions beyond that the loan proceeds be used for eligible type purposes stated in RD Instruction 4274-D, §4274.320. Building construction is an eligible use of funds under the program and all projects must be located in a rural area of a State. Any administrative costs must be approved annually by the Agency.

7. *Other Submission Requirements.* Please note that applicants may locate the downloadable application package for this program by the Assistance Listing Number provided in the Application and Submission Information, Content and Form of Application Submission Section above.

E. Application Review Information

1. *Criteria.* All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR 4274.341(b). Failure to address any of the application criteria by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding.

2. *Review and Selection Process.* The RD State Offices will review applications to determine if they are eligible for assistance based on the requirements contained in 7 CFR part 4274, subpart D. If determined eligible, your application will be submitted to the National Office for funding competition with all eligible applications received by the quarterly application deadline. The Agency Administrator reserves the right to award up to 10 discretionary points as identified under 7 CFR 4274.341(b)(10).

In order to distribute funds among the greatest number of projects possible, State application submissions will be reviewed, organized and ranked in order from highest to lowest and funded up to the maximum funding available.

F. Federal Award Administration Information

1. *Federal Award Notices.* Successful applicants will receive notification for funding from the USDA RD State Office. Applicants must comply with all applicable statutes and regulations before the loan award will be obligated. An eligible application competing for regular IRP funds, but not selected, will be reconsidered in three subsequent quarterly funding competitions, for a total of four competitions (and may be considered in a following fiscal year), provided the application and eligibility requirements have not changed. After competing in four quarterly competitions, any unsuccessful applicant for regular funds will receive written notification indicating that its application will no longer be considered for funding. Applicants competing for set-aside funding have only one application period per fiscal year to apply for set-aside funding. Unsuccessful applicants for set-aside funding will receive written notification indicating that their application was not successful. An unsuccessful applicant for set-aside funding may elect, in writing, to submit its project for IRP regular fund competitions commencing with the next quarterly application period.

2. *Administrative and National Policy Requirements.* Additional requirements that apply to intermediaries selected for this Program can be found in 7 CFR part 4274, subpart D. All successful applicants will be notified by letter which will include a Letter of Conditions, and a Letter of Intent to Meet Conditions, which are not approval determinations. The loan will be considered approved when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the project.

3. *Reporting.* In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) reporting requirements (see 2 CFR 170.200(b), unless you are

exempt under 2 CFR 170.110(b)).

Intermediaries must collect and maintain data provided by Ultimate Recipients on race, sex, and national origin and also ensure that Ultimate Recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with the Office of Management and Budget (OMB) Federal Register notice, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity” (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the Ultimate Recipients must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

G. Federal Awarding Agency Contact(s)

For general questions about this notice, please contact Lori Pittman, Business Loan & Grant Analyst, Program Management Division, Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, MS 3226, Room 5160-S, Washington, D.C. 20250-3226, lori.pittman1@usda.gov or call (202) 720-9815.

H. Buy America Requirements

Awards under this announcement for Infrastructure projects to Non-Federal entities, defined pursuant to 2 CFR 200.1 as any State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization, shall be governed by the requirements of Section 70914 of the Build America, Buy America Act (BABA) within the Infrastructure Investment and Jobs Act (IIJA), and its implementing regulations. Recipients of an

award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

3. All construction materials (excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives) are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

I. Other Information

1. *Paperwork Reduction Act.* In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this notice is approved by OMB under OMB Control Number 0570-0021.

2. *National Environmental Policy Act:* All recipients under this Notice are subject to the requirements of 7 CFR part 1970 and must comply in accordance with 7 CFR 4274.305(b),

3. *Federal Funding Accountability and Transparency Act.* All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in Section D.3. of this notice. All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

4. *Nondiscrimination Statement.* In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

(1) Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410; or

(2) Fax: (833) 256-1665 or (202) 690-7442; or

(3) Email: program.intake@usda.gov

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